

AMENDED IN ASSEMBLY APRIL 13, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1963

Introduced by Assembly Member Nava

February 17, 2010

An act to ~~amend Section 12980 of the Food and Agricultural Code,~~
~~and to add Section 105206 to the Health and Safety Code,~~ relating to
pesticide poisoning.

LEGISLATIVE COUNSEL'S DIGEST

AB 1963, as amended, Nava. Pesticide poisoning.

Existing law establishes standards for the handling and use of pesticides and for determining the hazards posed by pesticides to worker safety. Existing law imposes various reporting requirements on physicians and local health officers when there are known or suspected instances of pesticide poisoning. Under existing law, worker reentry into areas treated by pesticides determined to be hazardous to worker safety may be restricted by whether pesticide residue levels on treated plants are determined by scientific analysis not to be a significant factor in cholinesterase depression or other health effects.

This bill would require any laboratory that performs cholinesterase testing on human blood for an employer to enable the employer to satisfy his or her responsibilities for medical supervision of his or her employees who regularly handle pesticides pursuant to specified regulations or to respond to alleged exposure to cholinesterase inhibitors or known exposure to the inhibitors that resulted in illness to electronically report specified information on every person tested to the Department of Pesticide Regulation, which would be required to share the information in an electronic format with the Office of

Environmental Health Hazard Assessment (OEHHA) and the State Department of Public Health on an ongoing basis, as specified. This bill would require the Department of Pesticide Regulation and the local county agricultural commissioner to investigate the incidences of cholinesterase inhibitor-related illness and would require the OEHHA to review the cholinesterase test results.

~~Because this bill would increase the duties of local officials, this bill would impose a state-mandated local program.~~

This bill would authorize the State Department of Public Health to assess a fine of up to \$200 per person per case against a laboratory that knowingly fails to meet the reporting requirements of the above provisions. The bill would also require, by December 31, 2013, the Department of Pesticide Regulation and the OEHHA, in consultation with the State Department of Public Health, to prepare a report, as specified, and to post that report on their Internet Web sites.

~~Existing law declares the intent of the Legislature that the development of regulations relating to pesticides and worker safety should be the joint and mutual responsibility of the Department of Food and Agriculture and the State Department of Public Health.~~

~~This bill would declare the intent of the Legislature that the development of regulations relating to pesticides and worker safety the joint and mutual responsibility of the Department of Pesticide Regulation and the OEHHA.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

- 1 SECTION 1. ~~Section 12980 of the Food and Agricultural Code~~
- 2 ~~is amended to read:~~
- 3 ~~12980. The Legislature hereby finds and declares that it is~~
- 4 ~~necessary and desirable to provide for the safe use of pesticides~~
- 5 ~~and for safe working conditions for farmworkers, pest control~~

1 applicators, and other persons handling, storing, or applying
2 pesticides, or working in and about pesticide-treated areas.

3 ~~The Legislature further finds and declares that the development~~
4 ~~of regulations relating to pesticides and worker safety should be~~
5 ~~the joint and mutual responsibility of the Department of Pesticide~~
6 ~~Regulation and the Office of Environmental Health Hazard~~
7 ~~Assessment.~~

8 ~~The Legislature further finds and declares that in carrying out~~
9 ~~the provisions of this article, the University of California, the~~
10 ~~Department of Industrial Relations, and any other similar institution~~
11 ~~or agency should be consulted.~~

12 *SECTION 1. The Legislature finds and declares all of the*
13 *following:*

14 *(a) California has been recognized as a leader in occupational*
15 *safety and public health by establishing pesticide illness*
16 *surveillance and cholinesterase medical monitoring programs in*
17 *the 1970s. The Department of Pesticide Regulation is the primary*
18 *agency responsible for implementing these programs, and it does*
19 *so in collaboration with the Office of Environmental Health Hazard*
20 *Assessment (OEHHA).*

21 *(b) Insecticides that inhibit the enzyme cholinesterase constitute*
22 *some of the most acutely hazardous pesticides used in California.*

23 *(c) Regulations adopted pursuant to Section 12981 of the Food*
24 *and Agricultural Code require agricultural employers to provide*
25 *periodic cholinesterase testing for employees who regularly handle*
26 *cholinesterase inhibiting pesticides.*

27 *(d) Under Section 105200, physicians are required to file*
28 *pesticide illness reports with the local health officer when they*
29 *know, or have reasonable cause to believe, that patients may be*
30 *suffering from pesticide poisoning or any disease or condition*
31 *caused by a pesticide. Section 105200 requires each local health*
32 *officer to forward the reports to the Director of Pesticide*
33 *Regulation, the Director of Environmental Health Hazard*
34 *Assessment, and the Director of Industrial Relations.*

35 *(e) The Department of Pesticide Regulation and the OEHHA*
36 *have reviewed the cholinesterase medical monitoring programs,*
37 *using information from illness surveillance programs, clinical*
38 *laboratories, and surveys of doctors and agriculturalists, but have*
39 *found these data sources insufficient to evaluate the effectiveness*
40 *of cholinesterase medical monitoring programs that are intended*

1 to protect California pesticide handlers from overexposure to
2 pesticides that inactivate cholinesterase. An evaluation of the
3 cholinesterase medical monitoring is essential to determine its
4 effectiveness.

5 (f) California workers would benefit by expanding the
6 cholinesterase monitoring program to include cholinesterase
7 laboratory reporting and establishing a framework for the
8 Department of Pesticide Regulation and the OEHHA to evaluate
9 the program, identify issues of concern, and conduct studies
10 deemed necessary to improve the medical monitoring program.

11 SEC. 2. Section 105206 is added to the Health and Safety Code,
12 to read:

13 ~~105206. (a) The Legislature finds and declares all of the~~
14 ~~following:~~

15 ~~(1) California has been recognized as a leader in occupational~~
16 ~~safety and public health by establishing pesticide illness~~
17 ~~surveillance and cholinesterase medical monitoring programs in~~
18 ~~the 1970s. The Department of Pesticide Regulation is the primary~~
19 ~~agency responsible for implementing these programs, and it does~~
20 ~~so in collaboration with the Office of Environmental Health Hazard~~
21 ~~Assessment (OEHHA).~~

22 ~~(2) Insecticides that inhibit the enzyme cholinesterase constitute~~
23 ~~some of the most acutely hazardous pesticides used in California.~~

24 ~~(3) Regulations adopted pursuant to Section 12981 of the Food~~
25 ~~and Agricultural Code require agricultural employers to provide~~
26 ~~periodic cholinesterase testing for employees who regularly handle~~
27 ~~cholinesterase inhibiting pesticides.~~

28 ~~(4) Under Section 105200, physicians are required to file~~
29 ~~pesticide illness reports with the local health officer when they~~
30 ~~know, or have reasonable cause to believe, that patients may be~~
31 ~~suffering from pesticide poisoning or any disease or condition~~
32 ~~caused by a pesticide. Section 105200 requires each local health~~
33 ~~officer to forward the reports to the Director of Pesticide~~
34 ~~Regulation, the Director of Environmental Health Hazard~~
35 ~~Assessment, and the Director of Industrial Relations.~~

36 ~~(5) The Department of Pesticide Regulation and the OEHHA~~
37 ~~have reviewed the cholinesterase medical monitoring programs,~~
38 ~~using information from illness surveillance programs, clinical~~
39 ~~laboratories, and surveys of doctors and agriculturalists, but have~~
40 ~~found these data sources insufficient to evaluate the effectiveness~~

1 of cholinesterase medical monitoring programs that are intended
2 to protect California pesticide handlers from overexposure to
3 pesticides that inactivate cholinesterase. An evaluation of the
4 cholinesterase medical monitoring is essential to determine its
5 effectiveness.

6 ~~(6) California workers would benefit by expanding the~~
7 ~~cholinesterase monitoring program to include cholinesterase~~
8 ~~laboratory reporting and establishing a framework for the~~
9 ~~Department of Pesticide Regulation and the OEHHA to evaluate~~
10 ~~the program, identify issues of concern, and conduct studies~~
11 ~~deemed necessary to improve the medical monitoring program.~~

12 ~~(b)~~

13 105206. (a) A laboratory that performs cholinesterase testing
14 on human blood drawn in California for an employer to enable the
15 employer to satisfy his or her responsibilities for medical
16 supervision of his or her employees who regularly handle pesticides
17 pursuant to Section 6728 of Title 3 of the California Code of
18 Regulations or to respond to alleged exposure to cholinesterase
19 inhibitors or known exposure to cholinesterase inhibitors that
20 resulted in illness shall report the information specified in
21 subdivision ~~(e)~~ (b) to the Department of Pesticide Regulation.
22 Reports shall be submitted to the Department of Pesticide
23 Regulation on, at a minimum, a monthly basis. For the purpose of
24 meeting the requirements in subdivision ~~(e)~~ (d), the reports shall
25 be submitted via electronic media and formatted in a manner
26 approved by the director. The Department of Pesticide Regulation
27 shall share information from cholinesterase reports with the
28 OEHHA and the State Department of Public Health on an ongoing
29 basis, in an electronic format, for the purpose of meeting the
30 reporting requirements of subdivision (i).

31 ~~(e)~~

32 (b) The testing laboratory shall report all of the following
33 information in complying with subdivision ~~(b)~~ (a):

34 (1) The test results in International Units per milliliter of sample
35 (IU/mL).

36 (2) The purpose of the test, including baseline, ~~30-day~~, or other
37 periodic testing, pursuant to the requirements of Section 6728 of
38 Title 3 of the California Code of Regulations, or evaluation of
39 suspected pesticide illness.

40 (3) The name ~~and gender~~ of the person tested.

(4) The name, address, and telephone number of the health care provider or medical supervisor who ordered the analysis.

(5) The name, address, and telephone number of the analyzing laboratory.

(6) The accession number of the specimen.

(7) The date that the sample was collected from the patient and the date the analysis was performed.

~~(8) Other information in its possession, or that may come into its possession, that directly relates to the cholinesterase test or to the identity, location, medical management, or environmental management of the person tested.~~

(8) Contact information for the person tested and his or her employer, if known and readily available.

~~(d)~~

(c) The medical supervisor ordering the test for a person pursuant to subdivision ~~(b)~~ (a) shall ensure that the person tested receives a copy of the cholinesterase test results and any recommendations from the medical supervisor within 14 days of the medical supervisor receiving the results.

~~(e)~~

(d) All information reported pursuant to this section shall be confidential, as provided in Section 100330, except that the OEHHHA, the Department of Pesticide Regulation, and the State Department of Public Health may share the information for the purpose of surveillance, case management, investigation, environmental remediation, or abatement with the appropriate county agricultural commissioner and local health officer.

~~(f)~~

(e) The State Department of Public Health may assess a fine of up to two hundred dollars (\$200) per person per case against a laboratory that knowingly fails to meet the reporting requirements of this section.

~~(g) For the purposes of protecting human health and evaluating the circumstances of pesticide exposures that result in illness, the Department of Pesticide Regulation, in coordination with the county agricultural commissioners, shall investigate incidences of cholinesterase inhibitor-related illness.~~

~~(h)~~

(f) The OEHHHA shall review the cholinesterase test results and may provide an appropriate medical or toxicological consultation

1 to the medical supervisor. In addition to the duties performed
2 pursuant to Section 10510, the OEHHA, in consultation with the
3 Department of Pesticide Regulation and the local health officer,
4 may provide medical and toxicological consultation, as appropriate,
5 to the county agricultural commissioner to address medical issues
6 related to the investigation of cholinesterase inhibitor-related
7 illness.

8 (i)

9 (g) By December 31, 2013, the Department of Pesticide
10 Regulation and the OEHHA, in consultation with the State
11 Department of Public Health, shall prepare a report on the
12 effectiveness of the medical supervision program and the utility
13 of laboratory-based reporting of cholinesterase testing for illness
14 surveillance and prevention. The joint report may include
15 recommendations to the Legislature that the Department of
16 Pesticide Regulation and the OEHHA deem necessary. The
17 Department of Pesticide Regulation and the OEHHA shall make
18 the report publicly available on their Internet Web sites.

19 ~~SEC. 3.—If the Commission on State Mandates determines that~~
20 ~~this act contains costs mandated by the state, reimbursement to~~
21 ~~local agencies and school districts for those costs shall be made~~
22 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
23 ~~4 of Title 2 of the Government Code.~~